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OFFICE OF PETITIONS

Patent No. 7,189,819 :
Basi et al. : DECISION ON REQUEST FOR
Application No. 10/010,942 : RECONSIDERATION OF
Issue Date: March 13, 2007 : DECISION ON APPLICATION
Filed: December 6, 2001 : FOR PATENT TERM ADJUSTMENT
Attorney Docket No. ELN-002 :

This is a decision on the "REQUEST FOR RECONSIDERATION OF AN APPLICATION FOR PATENT TERM ADJUSTMENT PURSUANT TO 37 C.F.R. §1.705(b) AND/OR §1.705(c)," filed February 26, 2007.

The request for reconsideration of the decision of December 26, 2006 is granted to the extent that the decision of December 26, 2006 has been reconsidered and GRANTED on the merits.

The patent term adjustment indicated in the patent is to be corrected by issuance of a certificate of correction showing a revised Patent Term Adjustment of four hundred ninety-two (492) days.

In pertinent part, by decision mailed December 26, 2006, the application for patent term adjustment filed October 26, 2006 was granted-in-part. However, a period of reduction of 69 days was entered pursuant to 37 C.F.R. §1.704(c)(7). The basis of this reduction was that applicant's response filed July 9, 2002 had an omission, which was corrected with the filing of another response, 69 days later, on September 16, 2002.

On instant request for reconsideration, patentees maintain that the response, contained on a computer readable disk, did not include an omission. Rather, the disk filed July 1, 2002 had to

be re-supplied September 16, 2002 because it was subsequently found to be damaged by the USPTO and the damage was not due to any lack of due care by Applicants, but instead due to the subsequent handling and treatment of the disk by others.

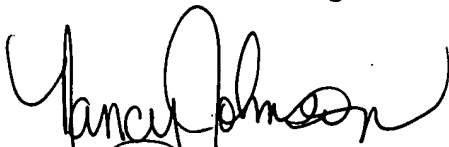
Patentees' arguments and evidence have been considered and found persuasive. The request for reconsideration included evidence that the disk filed July 1, 2002 was identical to the disk filed September 16, 2002, and that both disks as they were originally sent to the Office by patentees were not damaged. In view thereof, the reduction of 69 days entered pursuant to § 1.704(c)(7) is being removed.

In view thereof, the patent should have issued with a revised patent term adjustment of 492 days.

No fee is required on instant request for reconsideration of decision on application for patent term adjustment.

The application file is being forwarded to the Certificates of Correction Branch for issuance of a certificate of correction in order to rectify this error. The Office will issue a certificate of correction indicating that the term of the above-identified patent is extended or adjusted by four hundred ninety-two (492) days.

Telephone inquiries specific to this matter should be directed to the undersigned at (571) 272-3219.



Nancy Johnson
Senior Petitions Attorney
Office of Petitions

Enclosure: Copy of DRAFT Certificate of Correction

UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

PATENT : 7,189,819 B2

DATED : March 13, 2007

INVENTOR(S) : Basi et al.

DRAFT

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

On the cover page,

[*] Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 USC 154(b) by (423) days

Delete the phrase "by 423" and insert – by 492 days--